

LIST OF FEES AND COSTS THAT SHOULD NOT BE INCLUDED IF EAJA FEES ARE GRANTED

Date	Description	Amount	Reason Cost Shouldn't Be Counted
12/23/2014	LCD challenge filing and questions regarding FDA status of device	237.50	This charge should not be counted because it is for the unrelated administrative case challenging the local coverage determination.
2/2/2015	FedEx charges	183.66	This charge should not be counted because it is unclear why the FedEx charge was incurred.
3/4/2015	Downloaded the e-filing from NHIC and reviewed – it looks like the same attachments as what was mailed in February. Scanned and saved to system.	275	NHIC is not a party to this litigation. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/7/2015	AP statement revision – review of cases cited by NHIC	2,137.50	NHIC is not a party to this litigation. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/8/2015	LCD AP statement and emails regarding the same	2,177.08	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/9/2015	Attempted to pull down the DAB decisions referenced by Dr. Mamuya in the production of the LCD record argument portion for DMP on Westlaw and the DAB website. Reviewed the second round of documents sent by MP to determine why Medicare denied his CGM for use in LCD response.	275	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/12/2015	Reviewed NHIC's filings again and edited DMP's LCD response, filled in missing citations.	825	NHIC is not a party to this litigation. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/23/2015	Revision of AP statement; integrating lack of LCD record and additional articles.	2,137.50	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/24/2015	Reviewed the AP statement and continued to polish it, filled in exhibit numbers and searched for NCD references and case law from AB references; scanned in new exhibits. Sent to DMP with highlighted questions.	1,375	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/31/2015	FedEx charges	53.25	This charge should not be counted because it is unclear why the FedEx charge was incurred.
4/13/2015	Reviewed Dr. Argento's call to action and spoke with DMP about the letters to expect and how to	825	There was no "AP statement" filed in this litigation. This charge should not be counted because it

	address their addition for the AP statement submission at the end of the week; reviewed the current status of the AP statement and potential exhibits. Searched for any other MAC decisions on beneficiary-posted ALJ decision on the Internet for the challenge.		appears to be for the unrelated administrative case challenging the local coverage determination.
4/15/2015	S/w CL on the phone regarding the AP statement status, as well as any other help we would need from her; searched on the Mass court website and general MA attorney search, and emailed her the results as she is looking for an attorney for the MAC case to go to Federal Court when the MAC decision finally issues.	275	There was no "AP statement" filed in this litigation. A portion of this charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
4/16/2015	Went through the AP statement to make sure we had all the attachments, requested the denied claims from DMP for the AP statement attachments.	275	There was no "AP statement" filed in this litigation. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
4/17/2015	Did a final review of the AP statement and made necessary edits; spoke with DMP about the attachment and reference questions I had in the document; renumbered some of the additional exhibits; scanned in the additional support letters from the Dr. NA email blast he sent out; created a cover letter and updated the exhibit list. Created a FedEx shipment for LCD challenge staff copy and printed out copies of the additional exhibits for the group; uploaded the AP statement and each additional exhibit, to the DAB d-file system. Created a certificate of service.	1,856.25	There was no "AP statement" filed in this litigation. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
05/19/2015	Kept checking DAB website to determine if NHIC had filed anything yet; spoke with DMP about what to do if NHIC does not file anything, and looked up what the next steps are if a party misses a brief deadline	206.25	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. .

08/04/2015	Hearing before Judge Tyler	475	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. The ALJ assigned to Plaintiff's administrative appeal which formed the basis for this litigation was Zatopa. AR 229-241.
08/14/2015	Scanned and sent decision to C. Lewis	51.67	Given that this was in between notes on Judge Tyler's decision, this charge should not be counted because it most likely involves an unrelated administrative case.
08/14/2015	Read the Judge Tyler favorable ALJ decision and emailed DMP what I thought.	137.50	This charge should not be counted because it appears to be for the unrelated administrative case. The ALJ assigned to Plaintiff's administrative appeal which formed the basis for this litigation was Zatopa. AR 229-241.
08/20/2015	Spoke with CL about what she can leverage with the favorable ALJ decision, and set up a call for her and DMP next week.	68.75	Given that this was surrounded by notes on Judge Tyler's decision, this charge should not be counted because it most likely involves an unrelated administrative case.
09/11/2015	Reviewed Judge Sickendick's Order regarding the LCD challenge. Gathered the attachments for the escalation request for the case that may be going to district court.	343.75	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. The ALJ assigned to Plaintiff's administrative appeal which formed the basis for this litigation was Zatopa. AR 229-241.
09/28/2015	Drafting federal complaint; Email re same; Review of MAC decision.	1,068.75	As mentioned in Brief, given that 50 paragraphs of the Complaint were identical to the Complaint filed in Whitcomb (for which Plaintiff was already compensated), time on Complaint billed at \$3,206.25 is excessive.
10/07/2015	Revision of complaint to add mandamus count and supporting allegations; revisions based on Laurie's comments; Telephone conference Medicare beneficiary re same	2,137.50	As mentioned in Brief, given that 50 paragraphs of the Complaint were identical to the Complaint filed in Whitcomb (for which Plaintiff was already compensated), time on Complaint billed at \$3,206.25 is excessive.
10/09/2015	First request for documents and interrogatories	2,137.50	No interrogatories or requests for documents were filed in this case. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
10/15/2015	Edited and reformatted the 1 st set of interrogatories and first request for production of documents for CL LCD Challenge; created FedEx shipment to NHIC for these items.	756.25	No interrogatories or requests for documents were filed in this case. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.

	Scanned and saved copy to the system.		
11/17/2015	Telephone conference with Medicare Bene Henredon re favorable ALJ decisions to include in LCD challenge.	237.50	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. It is for a Medicare beneficiary that is not named in this litigation.
11/20/2015	Emails re LCD challenge and status; Telephone conference C. Lewis re same; Emails seeking favorable ALJ decisions for Dec. 2 filing.	712.50	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
11/30/2015	Reviewed the draft response for the AP Statement re the LCD/LCA Record; created Certificate of Service re the same; uploaded to the DAB e-file system, and created FedEx shipment for KR's copy. Scanned and saved to system.	275	There was no "AP statement" or response filed in this case. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
11/30/2015	Telephone conference R. Scheckloth re discovery; motion for subpoena; response to lack of production; email to client re same.	1,425	There is no one named R. Scheckloth involved in this litigation. There have been no subpoenas filed in this litigation, including at the administrative stage. Accordingly, this charge should not be counted.
12/1/2015	Reviewed filing in CL LCD challenge case as just LCD and spoke with DMP about what to file in response to deficient discovery response. Proofed the response DMP wrote.	275	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
12/2/2015	Reviewed DMP's response to insufficient discovery responses from NHIC; reviewed the insufficient responses that came in overnight; assembled attachments and e-filed the response; sent FedEx to KR.	825	There was no discovery conducted in this litigation. The case is based on the administrative record. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
12/3/2015	Spoke with DMP re CL LCD conference call with judge, read summary email.	137.50	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
12/3/2015	Hearing with Judge Sickendick re NHIC non-compliance	475	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. The ALJ assigned to Plaintiff's administrative appeal which formed the basis for this litigation was Zatopa. AR 229-241.

12/18/2015	Drafted the FOIA requests to each DME MAC for UPINs or NPIs and CGM codes submitted for CL LCD challenge. Took to post office after checking the DME MAC FOIA addresses on their respective websites.	756.25	It is unclear how the FOIA requests were related to the instant litigation. The litigation is premised on the administrative record only includes items that the MAC had an opportunity to review prior to its September 2015 decision. Accordingly, this charge should not be counted.
12/18/2015	Saved the NHIC 12/18/15 responses to the system; made a chart detailing the beneficiary, decision outcome, level, and judge for each of the NHIC-produced ALJ/DAB decisions. Reviewed the decisions for their content.	756.25	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. NHIC is not a party to this litigation.
12/23/2015	redact decisions	77.50	This charge should not be counted because it is unclear how it is related to Plaintiff's case.
12/23/2015	FedEx charges	121.68	This charge should not be counted because it is unclear why the FedEx charge was incurred.
1/11/2016	Reviewed NHIC's FOIA response to NPIs of CGM for LCD challenge.	147.50	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. NHIC is not a party to this litigation.
1/12/2016	Reviewed and printed out the filing for DMP from NHIC DAB e-file; emailed a copy to CL and provided a brief summary of the argument. Emailed Judge Sickendick's attorney A.M. re the proper procedure for responding to NHIC's misstatements.	221.25	NHIC is not a party to this litigation. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
1/13/2016	Reviewed CGS response to FOIA request for billing UPINs/NPIs of ordering physicians of CGM for use in LCD challenge.	147.50	CGS is not a party to this litigation. This charge should not be counted because it is unclear how it is related to the litigation here.
1/19/2016	Pre-hearing exchange and motion for SJ	3,062.50	This charge should not be counted because there was no pre-hearing exchange and motion for summary filed in this litigation on or around this date.
1/20/2016	Emails re possible experts for hearing	367.50	This charge should not be counted because there was no hearing in this litigation on or around this date. The administrative hearing in this case was held in 2013.
1/25/2016	Reviewed the statements that we have with DMP and confirmed most recent publications that we have; pulled up exhibit list to represent what we have	368.75	This charge should not be counted because there were no exhibits filed on or around this date and there was no hearing in this litigation on or around this date.

	submitted so far for purposes of adding additional exhibits for the pre-hearing offering; reviewed DMP's proposed witnesses and descriptions.		
01/25/2016	Renewed motion for summary judgment. Email with various experts re proposed testimony; Pre-hearing witness list exchange.	4,532.50	This charge should not be counted because there was no motion for summary filed in this litigation on or around this date.
01/26/2016	Added in descriptions for all of the previously offered exhibits per the scheduling order for the LCD challenge.	737.50	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. .
01/26/2016	Searched for the class action notice of the Jimmo case to determine if we would need to notify potential class members individually; reviewed the Federal Rules of Civil Procedure re the same.	147.50	This charge should not be counted because It is unclear what this is related to; this litigation is not a class action.
01/26/2016	Renewed motion for summary judgment; revision of proposed witnesses and exhibits; Emails with proposed witnesses.	2,205	There was not motion for summary judgment filed in this litigation on or around this date. There was no list of proposed witnesses or exhibits filed in this litigation on or around this date.
1/27/2016	Reviewed the exhibits that DMP wants to include with the prehearing exchange; went through the email of additional articles to determine which should be added; read through the renewed motion for SJ and ensure that those articles referenced are included with prehearing exchange; scanned and saved additional CVs and articles; assigned everything new a number and finished adding descriptions to the revised Exhibit List.	2,138.75	There was no prehearing exchange and/or motion for summary judgment filed in this litigation on or around this date.
1/27/16	Emails Dr. Grunberger re serving as an expert; revision of pre-hearing exchange re same; Conf. BNN re assembling filing.	367.50	There was no submission of the name of an expert or pre-hearing exchange filed in this litigation on or around this date.
1/28/2016	Finished creating the exhibit list and proofing the documents for the prehearing exchange. Spoke with CL re Mass court case.	885	There was no exhibit list or prehearing exchange filed in this litigation on or around this date.

1/29/2016	Printed out, signed and scanned in the cover letter, Certificate of Service, AP's Renewed Motion for Summary Judgment and AP's Prehearing Exchange. Uploaded into the DAB e-file system, along with the Exhibit List and exhibits 1-74.	368.75	There was no motion for summary judgment or prehearing exchange filed in this litigation on or around this date.
1/18/2016	FOIA 15363159401 and 12292015C022	115.60	It is unclear how the FOIA requests were related to the instant litigation. The litigation is premised on the administrative record only includes items that the MAC had an opportunity to review prior to its September 2015 decision.
1/19/2016	FedEx	14	There is no explanation of what this cost is for.
2/2/2016	Printed out the exhibits and other filings for CMS LCD challenge staff hard copy service; created FedEx mailing. Upload Certificate of Service to DAB e-file.	368.75	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
2/15/2016	Emails Dr. Ratner re possible testimony; request for Ratner CV; update of supplemental witness list.	490	This charge should not be counted because there was no testimony by Dr. Ratner nor was there a witness list filed on or around this date in this litigation.
2/16/2016	Proofread and submitted the supplement to the CD LCD challenge and captioned the additional exhibit; created Certificate of Service re the same; created FedEx mailing for copy for LCD challenge staff. Uploaded to DAB e-file.	442.50	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
2/16/2016	Supplement witness and exhibits; review and revision of CV of expert; Emails re sending of Administrative record; review of sent AR; revision of Motion for SJ.	2,205	This charge should not be counted because there was no witness list, exhibit list, or motion for summary judgment filed in this case or the underlying administrative case on or around this date.
2/21/2016	FedEx charges	16.67	This charge should not be counted because it is unclear why the FedEx charge was incurred.
2/22/2016	Printed out the exhibits and other filings for CMS LCD Challenge. Staff hard copy service; created FedEx mailing. Upload Certificate of Service to DAB e-file.	368.75	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination. .
02/15/2016	Emails Dr. Ratner possible testimony; Request for Ratner CV; update of supplemental witness list.	490	There was no witness list filed in this litigation.

2/16/2016	Proofread and submitted the supplement to the CL LCD challenge and captioned the additional Exhibit; created Certificate of Service re the same; created FedEx mailing for copy for LCD Challenge staff. Uploaded to DAB e-file.	442.50	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
2/16/2016	Supplement witness and exhibits; Review and revision of CV of expert; Emails re sending of Administrative record; Review of AR; revision of Motion for SJ.	2,205	This charge should not be counted because there was no witness list, exhibit list, or motion for summary judgment filed in this case or the underlying administrative case on or around this date.
2/24/2016	Telephone conference V. Legal aid re Bloom and options.	245	This charge should not be counted because Bloom is an unrelated case filed in U.S. District Court, District of Vermont.
2/21/2016	FedEx	16.67	This charge should not be counted because it is unclear why it was incurred.
3/3/2016	Downloaded the Secretary's request for leave to file reply in CL's DC case. Finished reviewing the list of articles from CG for supplementation in the LCD challenge.	590	A portion of this charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/8/2016	Filed the NHIC and CGS responses to the December FOIA request re incidence of billing in those jurisdictions in physical folder I created; scanned NHIC response to system.	147.50	NHIC is not a party to this litigation. No responses to FOIA requests were filed in this litigation. Accordingly, this charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
3/11/2016	Created the cover letter for, and captioned the additional evidence DMP requested to be submitted to the DAB (A.P. Ex. 76, AACE consensus statement 2016). Wrote Certificate of Service and revised exhibit list re the same. Created FedEx mailing for CMS LCD challenge staff. Submitted through DAB e-file.	442.50	The administrative phase of this litigation ended in September 2015; this charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination
3/25/2016	Tried to get the PDAC's FOIA response to December 2015 request open to no avail, emailed MF to determine if password is wrong.	295	It is unclear how the FOIA request is related to this litigation. This litigation is premised on the administrative record which only includes items that the MAC had an opportunity to review prior to its September 2015 decision.
3/28/2016	Extracted the Zip files from the Noridian FOIA response per	295	It is unclear how the FOIA request is related to this litigation. This litigation is premised on the

	Fischer's suggestion and reviewed the response spreadsheets. Emailed to DMP and docketed on FOIA spreadsheet. Reviewed the strange response DMP received for only one year of the codes.		administrative record which only includes items that the MAC had an opportunity to review prior to its September 2015 decision. Accordingly, this charge should not be counted.
3/31/2016	Revised the reconsideration letter DMP drafted for CL; gathered the necessary attachments and redacted the LCD caption off of those that needed it; burned CD with attachments.	295	It is unclear what this is referring to; no request for reconsideration was filed in this litigation on or around this date. Accordingly, this charge should not be counted.
3/31/2016	Telephone conference re argument on April 14 and status of other supply claims; Reconsideration follow up.	1,102.50	It is unclear how the portion of the charge related to other supply claims and reconsideration are related to this litigation. No request for reconsideration was filed on or around this date and this case was limited to the administrative record and thus only Plaintiff's claim. Accordingly, this charge should not be counted.
3/18/2016	FedEx	29.51	This charge should not be counted because it is unclear why it was incurred.
4/1/2016	Proofed reconsideration request, created CD with attachments, and created mailing for reconsideration request; scanned to CL.	295	There was no reconsideration request filed in this litigation on or around this date. Accordingly, this charge should not be counted.
4/4/2016	Review of oral argument for class action settlement; emails re same.	735	This litigation has never involved a class; it is related solely to Plaintiff. As a result, this charge should not be counted.
4/22/2016	FedEx	6.45	This charge should not be counted because it is unclear why it was incurred.
4/29/2016	Reviewed the favorable LCD challenge decision; emailed to CL for her review after conversation. Emailed to Dr. Argento.	490	This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
4/29/2016	Telephone conference C. Lewis; Emails re decision.	2,205	There was no decision issued in this litigation on or around this date. The Report and Recommendation was not issued by Judge Bowler until September 2016. As a result, this charge should not be counted.
5/2/2016	Read the CRD decision; looked to see if it had been posted on the DAB CRD decision website.	295	The CRD decision in this litigation was issued in February 2014. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.

5/5/2016	Reviewed the objections to the Exley settlement and made minor changes; saved to system.	98.33	There are no parties named Exley in this litigation. Accordingly, this charge should not be counted.
5/23/2016	Reviewed CMS's request for an extension of time to appear per DMP in CL LCD Challenge case C-15-1021; pulled together the copies of the AP's Opposition to the CMS Extension for appeal per DMP and stuff the envelopes and mailed. Scanned with copies of the envelopes and saved to system.	295	There was no "AP Opposition" filed in this case and the entry references the LCD Challenge. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
5/23/2016	Looked through the DAB e-file emails and Judge's past orders to determine what documents regional counsel NN for sure saw as part of the LCD challenge process for C-15-1021. Sent summary email re the same to DMP for her Opposition.	147.50	Regional counsel's initials are L.B., not N.N. Further, the entry references the LCD challenge. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
5/23/2016	Response to CMS motion for an extension.	3,250	This charge should not be counted because Defendant did not file a motion for an extension on or around this date in this litigation.
5/26/2016	Reviewed the AD's decision with regard to CMS's extension request for an appeal; printed out Appellate docket to this point for a CL subfolder.	73.75	This charge should not be counted because Defendant did not file a motion for an extension on or around this date in this litigation.
5/27/2016	Organized the electronic copies of the LCD challenge CRD case and Appellate Division case no the system for easier access to documents; reviewed and printed out CMS's appeal of the CRD decision; spoke with DMP about briefing schedule.	147.50	The administrative case in this litigation concluded in September 2015, when the Medicare Appeals Council issued its decision. Further, this entry references the LCD challenge. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
5/27/2016	Postage	6.45	This charge should not be counted because it is unclear why it was incurred.
5/27/2016	plane ticket we didn't get to use for Lewis hearing (513.20 on American)	658.97	Plaintiff has failed to show that she attempted to mitigate this cost.
6/3/2016	Spoke with CL about the appeal level for CRD decision and status of appeal at this point; downloaded the court's ruling/briefing rules.	98.33	The administrative case in this litigation concluded in September 2015, when the Medicare Appeals Council issued its decision. This charge should not be counted because it appears to be for the

			unrelated administrative case challenging the local coverage determination.
6/6/2016	S/w CL about who will be submitting the recons/redeterminations between her and ourselves; how long does the AD have to make a decision on CMS's appeal; can other people use her favorable decision while the appeal is pending; can she send Liberty the email DMP sent her re submitting a decision with the claims for coverage. Scanned the docketed filed for A-16-96 to this point.	147.50	There were no reconsiderations or redeterminations filed regarding the Medicare claims at issue in this litigation on or around this date. Further, the final administrative decision Plaintiff received for her underlying administrative appeal in this litigation was docketed at M-14-822 (AR 1-13). Accordingly, this charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
6/7/2016	Brief in anticipation of LCD challenge appeal; Review of cases where Secretary argued could do an LCD challenge.	1,750	This entry centers on the "LCD challenge appeal." This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination
6/7/2016	Reviewed the reconsideration request for CL (10/26/15 DOS) and assembled the CD attachments with all of the documents on it; labeled CD and created USPS mailing for reconsideration request, requested new apt. of rep from CL.	147.50	There were no reconsiderations or redeterminations filed regarding the Medicare claims at issue in this litigation on or around this date. The dates of service at issue in this case occurred in 2012. Accordingly, this charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
6/7/2016	Spoke with DMP about the promotion of the LCD challenge process by the government in other CGM cases for response to appeal by CMS in CL Appellate Division case; looked for references to LCD in other individuals' underlying denials.	221.25	This entry references the LCD challenge process. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
6/8/2016	Searched for the NHIC-referenced DAB decisions on WestlawNext and pulled down the four oldest per DMP; searched the DAB website for the other MAC decisions referenced. Spoke with DMP about which cases she has the MAC decisions for and checked the underlying DM case to determine if it was denied on LCD or Article.	295	NHIC is not a party to this litigation. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.

6/9/2016	Searched for example litigation where a party challenged a Secretary's determination of a statutory exclusion and what the remedy would be in preparation for what CMS could argue in tis appeal brief in A-16-96.	516.25	The final administrative decision Plaintiff received for her underlying administrative appeal in this litigation was docketed at M-14-822 (AR 1-13), not A-16-96. Accordingly, this charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
6/10/2016	Sent out the Reconsideration Request for CL, re-printed USPS mailing for today rather than earlier in the week now that we have the apt. of rep.; created the FedEx mailing for ALJ Request 16-01.	98.33	There were no reconsiderations or redeterminations filed regarding the Medicare claims at issue in this litigation on or around this date. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
6/27/2016	Printed out CMS's appeal brief and attachments; saved to system. Reviewed CMS's brief and the supporting affidavits.	516.25	Defendant did not appeal this action or submit an "appeal brief" in this litigation on or around this date. Plaintiff had already filed the Complaint and the case was docketed in federal district court. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
6/29/2016	Review of government filing before the DAB and notes re same.	500	The underlying administrative case in this litigation had concluded in September 2015. Defendant did not submit a filing before the Departmental Appeals Board pertaining to this case or the underlying administrative litigation on or around this date. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
6/29/2016	Spoke with CL on the phone regarding the LCD challenge appeal, the DOS's on the outstanding reconsideration and ALJ requests, a new reconsideration request coming our way, and the Federal action status. Emailed her the CMS response brief and attachments.	147.50	The majority of this entry relates to the "LCD challenge appeal." This charge should not be counted because it is for the unrelated administrative case challenging the local coverage determination.
6/30/2016	Drafting AP's statement.	500	This charge should not be counted because there was no "AP's statement" filed in this litigation or the underlying administrative litigation.
6/30/2016	Wrote the reconsideration request for the 1/12/16 DOS and made CD re the same. Created USPS mailing for appeal package.	147.50	There were no reconsiderations or redeterminations filed regarding the Medicare claims at issue in this litigation on or around this date. The dates of service for the Medicare claims at issue here were in 2012. This charge should not be counted because it appears to be for the

			unrelated administrative case challenging the local coverage determination.
6/30/2016	Finished looking through the MAC decisions for any mention of LCD challenge process as a suggestion from the MAC to beneficiaries, for DMP's response to CMS filing in CL A-16-96.	885	This entry refers to the "LCD challenge process" and docket number A-16-96. The final administrative decision Plaintiff received for her underlying administrative appeal in this litigation was docketed at M-14-822 (AR 1-13), not A-16-96. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
6/26/2016	Postage	32.24	This charge should not be counted because it is unclear why it was incurred.
7/1/2016	ALJ CASES – Checked to make sure the reconsideration denial that CL sent us was already submitted to OMHA.	49.17	The Administrative Law Judge issued his opinion on the underlying administrative claims related to this litigation in February 2014. There were no reconsiderations or redeterminations filed regarding the Medicare claims at issue in this litigation on or around this date. This charge should not be counted because it appears to be for unrelated administrative case.
7/5/2016	Response to the Government's filing.	2,750	Defendant did not file anything in this matter in June, July, or August 2016. It is unclear what Plaintiff is referring to; therefore, this charge should not be counted.
7/6/2016	(ALJ cases) Proofread the prehearing brief for 16-01 hearing nad responded to the Notice of Hearing for 16-01; created FedEx mailing and scheduled pick-up.	221.25	The Administrative Law Judge issued his opinion on the underlying administrative claims related to this litigation in February 2014. There was no prehearing brief submitted in this case on or around this date. This charge should not be counted.
7/6/2016	Response to the Government's filing	3,000	Defendant did not file anything in this matter in June, July, or August 2016. It is unclear what Plaintiff is referring to; therefore, this charge should not be counted.
7/7/2016	Revision of AP response; Email of technical basis of denial	1,750	There was no "AP response" filed in this litigation. This charge should not be counted.
7/8/2016	S/w CL re her questions about the LCD challenge and civil action; re- sent the LCD challenge docs she requested and wrote email answering her questions re significant of finger-pointed by NHIC and CMS.	221.25	The portion of this entry referring to the "LCD challenge" and "NHIC" should not be counted because it appears to refer to Plaintiff's unrelated administrative case challenging the local coverage determination.
7/19/2016	Revision of LCD challenge.	750	This charge should not be counted because it is for the unrelated administrative case challenging the local coverage determination.
7/20/2016	Response to the Secretary's Appeal	2,750	Defendant did not file anything in this matter in June, July, or August 2016. It is unclear what

			Plaintiff is referring to; therefore, this charge should not be counted.
07/21/2016	Edited and reviewed the CL Response Brief for the App. Div. case again and filled in more citations.	590	Plaintiff did not file anything in this matter in July. It is unclear what Plaintiff is referring to; therefore, the charge should not be counted.
7/22/2016	Searched for CL's QIC decision from the Judge Tyler case from 8/2015 for DMP's use in the LCD challenge appeal briefing.		The entry refers to the "LCD challenge appeal." It should not be counted because it appears to refer to Plaintiff's unrelated administrative case challenging the local coverage determination.
7/22/2016	Revision to statement based on FDA meeting results et. al.	1,250	The FDA is not a party to this case and Plaintiff did not filing any documents in this litigation in 2016. It is unclear what this is referring to; therefore, this charge should not be counted.
7/25/2016	Filled in the last of the pinpoint citations in the most recent draft and read through the brief in its close-to-final version, editing as necessary.	737.50	Plaintiff did not file any brief in July or August. It is unclear what this entry refers to; therefore, it should not be counted.
7/26/2016	Performed final proofread of the CL brief for the A-16-96 appeal; scanned and uploaded to the DAB e-file system with certificate of service; emailed copy to CL for her review.	590	Plaintiff did not file any brief in July or August. It is unclear what this entry refers to; therefore, it should not be counted.
7/26/2016	Revision of Response to CMS appeal; vmail and email questions re service in view of different CC's and parties.	625	Plaintiff did not file any brief in July or August. It is unclear what this entry refers to; therefore, it should not be counted.
7/27/2016	Looked through the filings in the DAB appeal so far to determine the names of the board members assigned to A-16-96; sent CL the only document we can find that has any mention of a name – the acknowledgement of appeal letter from June 3, 2016.	147.50	This entry refers to docket number A-16-96. The final administrative decision Plaintiff received for her underlying administrative appeal in this litigation was docketed at M-14-822 (AR 1-13), not A-16-96. This charge should not be counted because it appears to be for the unrelated administrative case challenging the local coverage determination.
7/26/2016	FedEx	36.64	It is unclear why this cost was incurred; therefore, it should not be counted.
7/27/2016	Telephone conference re status of case.	125	There were no court filings in July or August 2016. It is unclear what Plaintiff's attorney would have had to update her on. Consequently, this charge should not be counted.
8/5/2016	Prep for hearing; hearing with Carol Lewis and Dr. Beaser; FU from hearing	1,250	This charge should not be counted because there was no hearing in this case.

8/15/2016	Created FedEx mailing for CL ALJ request 16-02 and made a copy for the file; created and labeled the physical file for ALJ Request No. 16-02 and scanned and saved the QIC decision.	147.50	The administrative law judge issued his opinion in the underlying administrative litigation in February 2014. There was no pending ALJ case at this time. Accordingly, this charge should not be counted.
08/22/2016	Sur-reply to reply	1,750	There were no outstanding briefs to reply to in the district court litigation in August 2016; the parties were waiting for Judge Bowler's Report and Recommendation which was issued in September 2016. It is unclear why this entry is referring to; therefore, it should not be counted.
8/23/2016	Response to reply.	3,750	There were no outstanding briefs to reply to in the district court litigation in August 2016; the parties were waiting for Judge Bowler's Report and Recommendation which was issued in September 2016. It is unclear why this entry is referring to; therefore, it should not be counted.
8/25/2016	Spoke with CL on the phone re the CMS filing and provided DMP with CL's message about the meeting at which Dr. Beaser requested DMP's presence. Emailed CL a copy of the CMS Response brief.	49.17	Defendant did not file anything in July or August 2016. It is unclear what the entry refers to and, therefore, it should not be counted.
8/31/2016	Reviewed the Sur-Reply for A-16-96 per DMP.	73.75	There were no outstanding briefs or replies or sur-replies filed in the district court litigation in August 2016; the parties were waiting for Judge Bowler's Report and Recommendation which was issued in September 2016. It is unclear why this entry is referring to; therefore, it should not be counted.
8/31/2016	Review of Gov't reply to response	250	There were no outstanding briefs or replies or sur-replies filed in the district court litigation in August 2016; the parties were waiting for Judge Bowler's Report and Recommendation which was issued in September 2016. It is unclear why this entry is referring to; therefore, it should not be counted.
9/1/2016	Sur reply revision	3,250	There were no outstanding briefs or replies or sur-replies filed in the district court litigation in August 2016; the parties were waiting for Judge Bowler's Report and Recommendation which was issued in September 16, 2016. It is unclear why this entry is referring to; therefore, it should not be counted.
9/1/2016	Proofread the Sur-Reply to the CMS response for CL, A-16-96	147.50	See above.
9/2/2016	Revision of sur reply	375	See above.
9/6/2016	Review of ALJ decision; Email re same	250	The administrative law judge issued his opinion regarding the Medicare claims at issue in this

			litigation in 2014. It is unclear what this entry refers to; therefore, it should not be counted.
9/6/2016	Made final edits and then filed the response to the sur-reply for CL LCD challenge appeal; created certificate of service. Emailed CL a copy of the filing for her records.	221.25	There were no outstanding briefs or replies or sur-replies filed in the district court litigation in August 2016; the parties were waiting for Judge Bowler's Report and Recommendation which was issued in September 16, 2016. It is unclear why this entry is referring to; therefore, it should not be counted.
9/6/2016	Scanned and sent CL and Dr. RB a copy of the favorable ALJ decision.	375	The administrative law judge issued his opinion regarding the Medicare claims at issue in this litigation in 2014. It is unclear what this entry refers to; therefore, it should not be counted.
9/12/2016	ALJ request for 16-03	375	See above.
9/12/2016	Set up mailing for, made copy of, and sent copy to CL of ALJ request no. 16-03. Looked up what magistrate has her civil action now per CL.	295	The portion of the entry related to the ALJ request should not be counted for the reasons explained above.
9/30/2016	Scanned in ack letter for CL 16-03 and checked ALJ status website to determine if that case was the Holt one.	73.75	See above.
9/21/2016	FedEx	20.93	It is unclear why this charge was incurred; therefore, it should not be counted.
10/3/2016	PHB for Cowan case; Emails re same	625	There is no party named Cowan in this case; nor was there a prehearing brief filed in this case. Accordingly, this entry should not be counted.
10/5/2016	Organized Dr. B's participation and CL's participation in Holt hearing with Jim Griepentrog at OMHA, and CL and Dr. Beaser.	625	There was no hearing on or around this date and neither this case nor the underlying administrative litigation were assigned to Judge Holt. Accordingly, this entry should not be counted.
10/6/2016	Called JG at Judge Holt's office to offer a time for the hearing after email coordination with CL and Dr. Beaser, s/w Kay Hendrick at Judge Raff's office re the request for CD recording, and sent the request to the AdQIC instead via fax per her suggestion; scanned in NOH for Cowan hearing.	221.25	There is no party named Cowan, nor was the case ever assigned to a Judge Holt, therefore, this entry should not be counted.
10/7/2016	Requested numbers for Holt hearing from Dr. B and CL, scanned in NOH.	49.17	See above.
10/7/2016	Pre-hearing brief for Holt case; Pre-hearing brief for Cowan case.	1,625	See above.
10/10/2016	Emailed CL a copy of the Holt brief; emailed a summary of the	442.50	See above.

	Holt/Cowan participation info I need to respond; spoke with AdQIC re the request for CD of Raff hearing, provided summary of dramatics/logistics to DMP. Requested recon decision for CL from the May 2016 DOS's after checking my and DMP's emails to see if it was sent to us.		
10/11/2016	Re-faxed the Response to NOH for 13-02 Holt hearing as line was busy yesterday; scanned and saved to system.	49.17	See above.
10/12/2016	Email son status and upcoming hearings.	250	There were upcoming hearings scheduled in this case. Therefore, the cost should not be counted.
10/17/2016	Reviewed the email from CL with strange Noridian letter and reviewed attachments to determine what appeal needs filed next.	98.33	The appeal was already filed in this case, in the form of the Complaint. It is unclear what this entry refers to; therefore, it should not be counted.
10/17/2016	Emails re Cowan appeal and review of Dr. Scott	250	There is no party named Cowan in this litigation. It is unclear what this entry refers to; therefore, it should not be counted.
10/18/2016	Reviewed the redetermination decision for and wrote the reconsideration request for the 5.23.16 and 5.27.16 DOS; burned the necessary attachments on a CD and mailed via USPS. Faxed JG a copy of Dr. Beaser's contact info for the 16-02 hearing.	295	This litigation appeals Medicare claims that were denied in 2012. No redetermination decisions were issued nor were any reconsideration requests submitted during this timeframe related to this litigation. Accordingly, this cost should not be counted.
10/20/2016	Tried faxing JP at Judge Holt's office over eight times to provide Dr. Beaser's phone number for the hearing.	147.50	There was no hearing on or around this date and neither this case nor the underlying administrative litigation were assigned to Judge Holt. Accordingly, this entry should not be counted.
10/21/2016	Preparing for CL hearing, our ref. no 16-02 Holt	811.25	See above.
10/21/2016	hearing with Judge Holt. Telephone conference with Carol and Dr. Beaser before and after	875	See above.
10/21/2016	postage	40.62	It is unclear what this amount was incurred for; therefore, it should not be counted.
10/28/2016	Follow up on Status	125	It is unclear what this entry refers to; there were no filings by either party in this litigation in October 2016. Accordingly, this entry should not be counted.

11/1/2016	Spoke with Carol Lewis re Cowan's disposition, the meaning of the contractor's participation, and her draft response for Debbie to review re questions from M.	49.17	Neither this case nor the underlying administrative case were ever assigned to Judge Cowan. It is unclear what this entry refers to; therefore, it should not be counted.
11/3/2016	Hearing with Judge Cowan and prep therefore.	625	See above.
11/4/2016	Made a new label for physical file and scanned, saved, and emailed to CL a copy of the QIC acknowledgement letter for 5.23.16 & 5.27.16 DOS reconsideration request.		This litigation appeals Medicare claims that were denied in 2012. No redetermination decisions were issued nor were any reconsideration requests submitted during this timeframe related to this litigation. Accordingly, this cost should not be counted.
11/4/2016	Emails re Holt's improper practice of contacting a witness post-hearing.	250	Neither this case nor the underlying administrative case were ever assigned to Judge Holt. It is unclear what this entry refers to; therefore, it should not be counted.
11/7/2016	Requested the DAB decision and any other info Judge Holt may have added to the record for CL's case from Jim G.; spoke with DMP re his response; spoke with DMP re Jim contacting me and Dr. Beaser and possible actions moving forward.	221.25	Neither this case nor the underlying administrative case were ever assigned to Judge Holt. Further, Jim G. has never been a party to this litigation. It is unclear what this entry refers to; therefore, it should not be counted.
11/7/2016	Scan of Dr. Wei Li's credentials to Beaser and Lewis re her testimony.	221.25	Dr. Wei Li did not testify in this case. It is unclear what this entry refers to; therefore, it should not be counted.
11/8/2016	Forward JP response to DAB decision request to DMP and tried to open the attachment multiple ways but could not.	221.25	The DAB decision was issued in this case in 2015 (AR 1-13). It is unclear what this entry refers to; therefore, it should not be counted.
11/28/2016	MAC appeal of Holt.	500	Neither this case nor the underlying administrative case were ever assigned to Judge Holt. It is unclear what this entry refers to; therefore, it should not be counted.
11/18/2016	Postage	30.32	It is unclear why this cost was incurred; therefore, it should not be counted.
12/7/2016	Reviewed the MAC appeal (x2) for Holt 16-02 decision for CL and emailed back to DMP with edits.	147.50	Neither this case nor the underlying administrative case were ever assigned to Judge Holt. It is unclear what this entry refers to; therefore, it should not be counted.
12/20/2016	Checked ALJ status tracker for CL and emailed her with the good news about Cowan, spoke with DMP re the noted mailing date	73.75	Neither this case nor the underlying administrative case were ever assigned to Judge Cowan. It is unclear what this entry refers to; therefore, it should not be counted.

	and when the ALJ request itself was received.		
12/27/2016	Reviewed the Judge Cowan decision for 16-03 and looked up whether the two referenced MAC decisions were available on Westlaw Next per DMP. Scanned and saved decision to system.	295	Neither this case nor the underlying administrative case were ever assigned to Judge Cowan. It is unclear what this entry refers to; therefore, it should not be counted.
12/19/2016	Postage	47.40	It is unclear why this cost was incurred; therefore, it should not be counted.
1/4/2017	Reviewed memo for MSJ and provided revisions; reviewed CL's comments during phone conversation re the same; provided an edited MAC appeal for Holt MAC appeal to correct the DOS per CL, scanned and emailed a copy to CL.	893.75	Neither this case nor the underlying administrative case were ever assigned to Judge Holt. Therefore, the portion of this cost related to the Holt MAC appeal should not be counted.
1/12/2017	Spoke with CL re DMP's impression of the JK hearing yesterday and anyone helping Anita Johnson, and sending her a copy of the memo as filed. Emailed CL a copy of the 1/6/17 memo that I pulled off of PACER.	162.50	There was no hearing scheduled in this case for 1/11/2017; it is unclear what this portion of the entry relates to and the cost should be reduced accordingly.
1/17/2017	Reviewed filing in CL LCD challenge case A-96-16, saved to system, and printed out to put into the physical file.	81.25	This entry requests costs for the unrelated administrative litigation challenging the local coverage determination; it should not be counted.
1/24/2017	postage	19.72	It is unclear why this cost was incurred; therefore, it should not be counted.
1/27/2017	Checked CL's Holt MAC appeal to determine 90 days; looked up articles re DMP per request of CL.	81.25	Neither this case nor the underlying administrative case were ever assigned to Judge Holt. It is unclear what this entry refers to; therefore, it should not be counted.
2/20/2017	Spoke with CL re questions she had about Liberty, LA coverage, and Judge Midgley case. Emailed CL the assignment page and provided our answers for Liberty and LA coverage.	162.50	The case here involves Medicare coverage. It is unclear how questions related to Liberty coverage and/or LA coverage are related. Further, neither this case nor the underlying administrative case were ever assigned to a Judge Midgley. It is unclear what this entry refers to; therefore, it should not be counted.
2/22/2017	Postage	31.75	It is unclear why this cost was incurred; therefore, it should not be counted.
4/11/2017	Reviewed the LCD challenge dismissal for CL A-16-96.	325	This cost should not be counted because it is for unrelated administrative litigation challenging a local coverage determination.

8/24/2017	reconsideration of DC decision	175	There were no reconsiderations filed for the claims in this litigation on or around this date.
4/2/2018	Hearing with Judge Midgley and follow up	393.75	Neither this case nor the underlying administrative case were ever assigned to Judge Midgley. It is unclear what this entry refers to; therefore, it should not be counted.
4/22/2018	postage	16.44	It is unclear why this cost was incurred; therefore, it should not be counted.
		TOTAL:	\$106,816.10